

Engineering Ethical Principles

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Acknowledgement

- This course used to be taught by Mrs Joanna Yiu
- She is too busy to continue with this commitment and has asked me to substitute her
- This power point presentation was based on the one prepared by Mrs Yiu
- Only the first part on Profession, Professionals and Professionalism was prepared by me

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Aims and Objectives

- Impart to students:
 - Basic knowledge of **professional ethics** of **engineers**
 - The rationale behind the need for professionals to aspire to the highest standards of professional conduct, in respect of the **integrity, dignity, fairness, courtesy** and **reputation** of the **profession** and **professionals**
- Fulfilment of HKIE accreditation requirements

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Course Content

- Profession, Professionals and Professionalism
- HKIE Code of Conduct
- Other Examples of code/principles of ethics
 - UK: Engineering Council
 - US: NSPE, ASCE, etc.
 - Macau: CCAC & CEM
- Case Studies (HK: ICAC)

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Profession, Professionals and Professionalism

According to Brown [1]

- The earliest meaning of the term **profession** referred to a **proclamation of faith**
- By the 1670's, the term had acquired **secular significance**, meaning having **claim to due qualifications**.
- **Professionalization** depends on the **creation** and **maintenance** of at least three things:
 - i) **Knowledge**;
 - ii) **Practitioners**; and
 - iii) **Clientele**.

[1] Brown J. The Definition of a Profession – The Authority of Metaphor in the History of Intelligence Testing, 1890-1930. New Jersey: Princeton University Press, 1992.

Profession, Professionals and Professionalism



Profession, Professionals and Professionalism

Professionals

- Defined as workers whose qualities of **detachment**, **autonomy**, and **group allegiance** are more extensive than those found among other workers.
- These attributes include a high degree of **systematic knowledge**; **strong community orientation** and **loyalty**; **self-regulation**; and a system of rewards defined and administered by the **community of workers**.
- As opposed to craft-work, professional work needs some **interpretation** in order to be appreciated by a clientele; professionals must **interpret**, **translate** or **mediate** the results of their work in order that their **clients**, and the **public**, may **appreciate** its **value**.

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Profession, Professionals and Professionalism

Professional associations, **educational systems**, **restrictive licensing**, and **legal sanctions against unlicensed practice**

- Can all be seen as efforts to **express competence** indirectly.
- Help create a community of authority among practitioners that will **supplant** the **client's** personal **judgment**.

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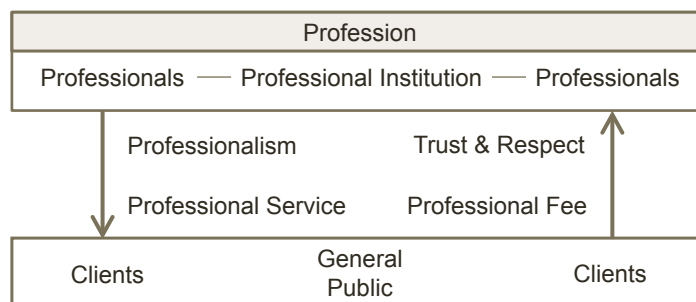
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Profession, Professionals and Professionalism



Due care and diligence

Profession, Professionals and Professionalism



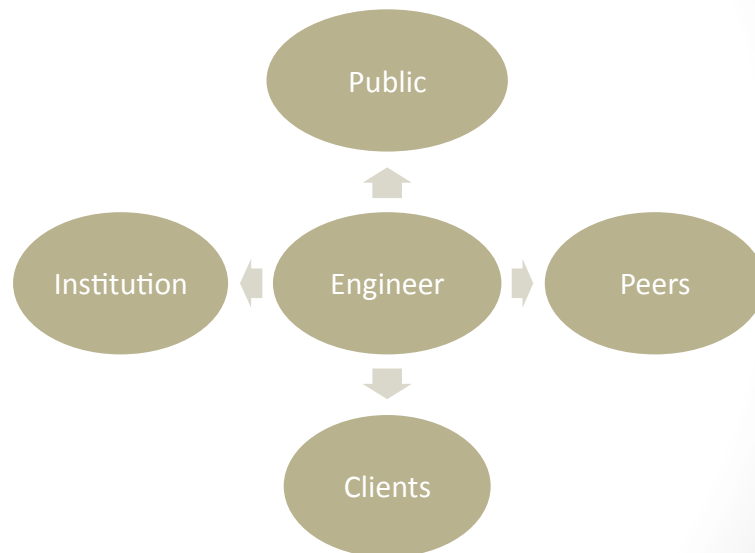
The Hong Kong Institution of Engineers

- The Engineering Society of Hong Kong was founded in 1947 with the aim of bringing together engineers of different disciplines for their common good.
- The Society flourished and, as a result, the Hong Kong Institution of Engineers (the HKIE), was incorporated under the Hong Kong Institution of Engineers Ordinance, Chapter 1105 of the Laws of Hong Kong in 1975. (<http://www.hkie.org.hk/eng/homepage.asp>)
 - Graduate Scheme "A" Training
 - International Recognition and Events.
 - List of Programmes Accredited by the HKIE

HKIE Code of Conduct

- Every member shall at all times so order his conduct as to:
 - Uphold the **dignity** and **reputation** of the **Institution** and
 - Act with **fairness** and **integrity** towards all **persons** with whom his work is connected and towards **other members**.

HKIE Code of Conduct



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HKIE Code of Conduct

Embraces the Profession itself and 3 categories of people with whom members interact:

- Rule 1 - Responsibility to the **Profession**
- Rule 2 - Responsibility to **Colleagues**
- Rule 3 - Responsibility to **Employers** or **Clients**
- Rule 4 - Responsibility to the **Public**

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HKIE Code of Conduct

Rule 1 - Responsibility to the Profession

- A member of the Institution shall order his conduct so as to uphold the dignity (尊嚴), standing (名望) and reputation (聲望) of the Profession.
- In pursuance of this rule a member shall, inter alia:
 - 1.1 Discharge his professional responsibilities with integrity (誠信), dignity (尊嚴), fairness (公正) and courtesy (禮貌);

HKIE Code of Conduct

Rule 1 - Responsibility to the Profession

- 1.2 Not allow himself to be advertised in self-laudatory (自我讚美) language nor in any manner derogatory (貶低) to the dignity (尊嚴) of his profession, nor improperly solicit (不當徵求) professional work for himself or others;
- 1.3 Give opinions in his professional capacity that are, to the best of his ability, objective (客觀), reliable (可靠) and honest (真實);
- 1.4 Take reasonable steps to avoid damage to the environment and the waste of natural resources or the products of human skill and industry;

HKIE Code of Conduct

Rule 1 - Responsibility to the Profession

- 1.5 **Ensure adequate development** (充分發展) of his professional **competence** (專業能力);
- 1.6 **Accept responsibility** for his actions and ensure that persons to whom he **delegates** authority are sufficiently **competent** to carry the associated responsibility;
- 1.7 **Not undertake responsibility** which he himself is **not qualified** and **competent** to discharge;

HKIE Code of Conduct

Rule 1 - Responsibility to the Profession

- 1.8 **Treat colleagues** and **co-workers fairly** and not misuse the advantage of position;
- 1.9 When working in a **country other than Hong Kong** order his conduct according to the existing **recognised standards of conduct** in that country, **except** that he **should** abide by these **rules** as **applicable** in the absence of local standards;
- 1.10 When working within the field of **another profession** pay **due attention** to the **ethics** of **that profession**.

HKIE Code of Conduct

Rule 2 - Responsibility to **Colleagues**

- A member of the Institution shall not **maliciously** (惡意地) or **recklessly** (錯誤地) **injure** nor attempt to injure whether directly or indirectly the **professional reputation** of **another engineer**, and shall **foster** (促進) the **mutual advancement** of the profession.

HKIE Code of Conduct

Rule 2 - Responsibility to **Colleagues**

- 2.1 Where appropriate **seek**, **accept** and **offer honest criticism** (批評) of work and properly **credit** the contributions of **others**;
- 2.2 **Seek** to further the **interchange** of **information** and **experience** with other engineers;
- 2.3 **Assist** and **support** colleagues and engineering trainees in their **professional development**;

HKIE Code of Conduct

Rule 2 - Responsibility to **Colleagues**

- 2.4 **Not abuse** his **connection** with the **Institution** to further his business interests;
- 2.5 **Not maliciously** or **falsely injure** the **professional reputation, prospects** or **practice** of **another member** provided however that he shall **bring** to the **notice** of the **Institution** any evidence of **unethical, illegal** or **unfair** professional practice;
- 2.6 Support the aims and activities of the Institution.

HKIE Code of Conduct

Rule 3 - Responsibility to **Employers** or **Clients**

- A member of the Institution shall **discharge** his **duties** to his employer or client with **integrity** and in accordance with the **highest standards** of business **ethics**.
- 3.1 Offer complete **loyalty** (忠誠) **to** his employer or client, past and present, in all **matters concerning remuneration** and in all **business affairs** and at the same time act with **fairness between** his employer or client and any other party concerned;

HKIE Code of Conduct

Rule 3 - Responsibility to Employers or Clients

- 3.2 **Avoid** engaging in business, investments or activities which **conflict** with the **interests** (利益衝突) of his employer or client, and **inform** his employer or client **in writing** of any **possible conflict** between his own financial interests, or those of his immediate family, and the interests of his client or employer;
- 3.3 **Not accept** any **financial** or **contractual obligation** on behalf of his employer or client **without** their **authority**;
- 3.4 Where possible **advise** those concerned of the **consequences** to be expected if his engineering **judgement**, in areas of his responsibility, is **overruled** by a non-technical authority;

HKIE Code of Conduct

Rule 3 - Responsibility to Employers or Clients

- 3.5 **Advise** his employer or client in anticipating the **possible consequences** of relevant developments that come to his knowledge;
- 3.6 **Neither give nor accept** any gift, entertainment, payment or service of **more** than **nominal value** (e.g. \$500 in HK), to or from those having a business relationship with his employer or client **without** the **consent** of the latter;

HKIE Code of Conduct

Rule 3 - Responsibility to Employers or Clients

- 3.7 Where necessary **co-operate** with or **arrange for** the services of **other experts** wherever an employer's or client's interest might best be served thereby;
- 3.8 **Safeguard confidential information** in relation to his employer or client and not disclose such information to 3rd parties without his employer's or client's written consent. A member shall not receive any gift, entertainment, payment or service from 3rd parties for disclosing such information nor make use of it for personal gain.

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HKIE Code of Conduct

Rule 4 - Responsibility to the Public

- A member of the Institution in discharging his responsibilities to his employer and the profession shall at all times be **governed by** the **overriding interest** of the general **public**, in particular their **environment, welfare, health** and **safety**.
- 4.1 **Seek to protect** the safety, health and welfare of the public;

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HKIE Code of Conduct

Rule 4 - Responsibility to the Public

- 4.2 When making a **public statement** professionally, **try** to ensure that both his **qualification** to make the statement and his **association** with any **benefiting party** are **made known** to the recipients of the statement;
- 4.3 **Seek** to **extend public understanding** of the engineering profession;
- 4.4 **Seek** to **assess** the **environmental consequences** of work for which he is responsible and to influence events so as to **prevent** or **minimise damage** to, and if practicable to improve, the environment.

HKIE Code of Conduct

Rule 4 - Responsibility to the Public

- In particular in the exercise of the requirement to safeguard the public in matters of welfare, health and safety, engineers should:
 - (a) Strive to **create** through their projects a **healthy** and agreeable **outdoor** and **indoor environment**;
 - (b) Aim to **minimise** the use of **non-renewable resources**, to **conserve energy** and to minimise the generation of **waste**;

HKIE Code of Conduct

Rule 4 - Responsibility to the Public

- (c) Consider and take into account the **consequences** of any **proposal** upon **public health** and **local custom**;
- (d) Assess the **impacts** of their proposals upon the **environment**, and select options that will ensure **sustainable development** (可持續發展);
- (e) Consider and explain in their proposals the measures required to **protect** and **improve** the environment;
- (f) Promote the concepts of **interdependence of ecosystems**, maintenance of the diversity of species, resource replacement and recovery, and sustainable development;

HKIE Code of Conduct

Rule 4 - Responsibility to the Public

- (g) Seek to **balance costs** with the best **benefit** to the environment and to human society, to achieve the most suitable practical environmental option, by utilising the best available technology and techniques without entailing excessive costs;
- (h) Encourage **management** to follow **positive environmental policies** by recognising that a statement of intent is not sufficient to achieve legislative compliance.

Other Overseas Examples

Engineering Council UK, Statement of Ethical Principles

- Accuracy and Rigour
- Honesty and Integrity
- Respect for Life, Law and the Public Good
- Responsible Leadership
- Listening and Informing

NSPE

美國國家專業工程師學會 會員倫理守則

工程是一項重要且博學的專業。這個專業的成員們體認到，他們的工作，對全人類生活的品質，有直接且深的衝擊。因此，工程師們所提供的服務，必須誠實、無私、公平、與公正，而且，必須致力於保護公眾的健康、安全與福祉。在其專業工作上，身為公眾、客戶、雇主及其專業的代表，工程師必須按照專業行為標準行事，且需持守最高的倫理行為準則。

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American Society of Civil Engineers

- Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.
- Engineers shall perform services only in areas of their competence.
- Engineers shall issue public statements only in an objective and truthful manner.

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American Society of Civil Engineers

- Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
- Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
- Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.

American Society of Civil Engineers

- Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

Other Similar Ethical Requirements

- National Society of Professional Engineers
 - *“Engineers, in the fulfillment of their professional duties, shall hold paramount the safety, health, and welfare of the public”*
- Professional Engineers Ontario
 - *“A practitioner shall, regard the practitioner's duty to public welfare as paramount”*

Source:
 Guidelines on the Professional Ethics and Conduct of Public Servants, Commission Against Corruption of the Macao Special Administrative Region, 2006



What is conflict of interest

- Conflict of interest refers to conflict between the personal interests of a public servant and the interests of the government and of the departments/institutions.
- “Personal interests” include interests (both property and non-property interests) of a public servant, his family, relatives, friends, associations to which he belongs and those with whom he has either a hostile or an intimate relationship.

Problems arising from conflict of interest

- Conflict of interest may give rise to acts of corruption, fraud and abuse of power. Public servants shall always stay alert and take precautions to prevent any situations that may lead to actual or predictable conflict of interest.
- A public servant who abuses his power or violates the duties inherent in his functions, with the intent to seek illegitimate interests for himself or for a third party or to cause damage to another person, commits ***the crime of abuse of power***. (For details, see Annex D - Criminal Offences.)

Public servants' point to note

- A public servant should not take advantage of his official position to seek personal interests or interests for any relatives, friends or others, nor put them in an advantageous position over the others in their dealings with the department/institution.

Conflict of Interest

What is meant by conflict of interest?

- **Conflict of interest** refers to any possible **conflict** or **confrontation between** the **individual** personal interest and that of the **company/employer/client**.

Advantages

- “Advantages” refer to both **property advantage** and **non-property advantage** which commonly include:
 - **money, reward, commission, gifts**
 - **favour, discount, entertainment**
 - **service, transportation and accommodation, travel**
 - **and the like.**

Principles governing the acceptance of advantages

- **Avoid** receiving any advantage from any **person** with **work-related** contact.
- Be **familiar** with relevant **laws** and **regulations**, and **internal guidelines** of the department / organization.
- In case of doubt, **seek advice** from superior as soon as reasonably possible.
- In accordance with the **Criminal Law**, any offence regarding the acceptance of advantage related to official duties could lead to a maximum of eight years' imprisonment.

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Principles governing the acceptance of advantages

- **Avoid** accepting **lavish** or **frequent entertainment** from work-related personnel so as to avoid putting the department / organization in an **embarrassing situation** or bringing **obstacles** to the carrying out of duties fairly and objectively, or **arousing suspicion** from other people.
- For gifts with a festive or customary nature, please pay attention to the **appropriateness** of the way gifts or lai si (red packets) are given, the occasion and the value, in relation to custom and etiquettes (pronounced as et-ti-ketz).

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Principles governing the acceptance of advantages

- Prior to accepting any favour or discount, please **consider** whether such offer is **generic**, that is, if **other** people under the **same conditions** are offered **identical favours** or discounts. Such favours or discounts shall not be accepted without discrimination.

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Q&A

- Q. Peter attends a work-related dinner reception. At the reception, a lucky draw is held and he wins a prize. Should he accept it?
- A. If it is inappropriate to decline the lucky draw on the spot, Peter can donate the prize he won for a second draw. But in reality, if it is not feasible to donate the gift, he can first accept it and then report the case to his superior, and submit the gift to the superior for further process.

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CEM CODE OF ETHICS

- Article 1 (Compliance with law)
- Article 2 (Ethics)
- Article 3 (Transparency, honesty and integrity)
- Article 4 (Working environment)
- Article 5 (Development of human capital)
- Article 6 (Human rights)
- Article 7 (Non-discrimination and equal opportunities)
- Article 8 (Forbiddance of corruption and subornation)
- Article 9 (Relationship with shareholders)
- Article 10 (Relationship with clients and suppliers)
- Article 11 (Disciplinary action)

Cases of the Hong Kong Construction Industry

Source: Hong Kong ICAC

Case 1. Competition for Contracts: Offering bribes for tender information

Defendant: A director of a construction company

Facts: The director offered \$265,000 to a contract manager of a public body as a **reward for** the latter to **disclose tender information** of other competing contractors. The director was then able to win the contracts by submitting the lowest bid. He was eventually arrested and charged by the ICAC.

Charges: Offering of illegal advantages to a public servant

Penalty: Imprisonment of 15 months

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Case 1. Competition for Contracts: Offering bribes for tender information

Review: Corruption doesn't pay. The use of bribery to obtain contracts will inflate construction costs and destroy the principle of fair competition.

Corrupt practices will also impair a company's reputation and hinder its future development.

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Case 2: Appointment of Contractors: Soliciting rebates for allocating jobs

Defendant: An electrical engineer

Facts: The engineer supervising the electrical installation of a construction project was responsible for appointing subcontractors and estimating labour force required for the work. He took advantage of his office to solicit a [rebate](#) of \$200,000 from a sub-contractor in return [for allocating jobs](#) to the latter. He even instructed the sub-contractor to claim wages for bogus workers to cover up the bribes. The engineer was finally charged by the ICAC.

Charges: Acceptance of illegal advantages

Penalty: Imprisonment of 2 years and 9 months

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Case 2: Appointment of Contractors: Soliciting rebates for allocating jobs

Review: The dishonest engineer received [illegal rebates](#) in granting contracts. He even induced the sub-contractor to [defraud](#) his own company by over-claiming wages for the extra money as bribes to him. If preventive measures are not implemented in the company to guard against corruption and fraud, dishonest staff will exploit every possible loophole for personal gain, causing the company to suffer from financial loss and tarnished reputation.

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Case 3: Site Management: Soliciting bribes in delivery of building materials

Defendants: Nine crane operators

Facts: Over a five-month period, the nine crane operators conspired to obtain bribes ranging from \$9,000 to \$12,000 monthly from three sub-contractors as a **reward for expediting** the delivery **process** and loading the building materials beyond the safety perimeter of the cranes. In the end, the crane operators were charged by the ICAC.

Charges: Conspiracy to accept illegal advantages

Penalty: 9 crane operators were either fined or sentenced to imprisonment

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Case 3: Site Management: Soliciting bribes in delivery of building materials

Review: The corrupt practice of the crane operators and sub-contractors caused **unfairness** to all others who abided by the rules on the same construction site. In addition, the reckless act of delivering building materials outside the crane's safety perimeter would easily lead to industrial accidents.

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Case 4: Personnel Management: Conspiracy in wage fraud

Defendants: A site foreman and 6 construction workers

Facts: The site foreman **colluded** with 6 construction workers to **defraud** their company of wages and accepted a **reward** of \$200 from each worker **for** arranging **falsely certified** attendance **records** to hide their unauthorized absence from work. In 5 months, they deceived the company of wages amounting to \$45,000. Subsequently, all of them were charged by the ICAC.

Charges: Site foreman – Acceptance of illegal advantages
Construction workers – Offering of illegal advantages and using false documents to deceive employer

Penalty: Imprisonment of 3 - 10 months

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Case 4: Personnel Management: Conspiracy in wage fraud

Review: The collusion among staff on site in deceiving employer of wages would impose direct loss to the company. At the same time, insufficient number of workers caused by false attendance record could delay the progress of the construction work.

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Case 5: Purchasing: Accepting bribes in procurement of building materials

Defendant: A project manager

Facts: The project manager was in charge of the marble works of a construction project. During the procurement, he intentionally **altered** the material **requirements** in the tender to **favour** a supplier who was his **relative**. Consequently, his relative obtained the contract despite the price of materials was inflated. The project manager later accepted the bribes of around \$50,000 or more from the relative as a **reward for** the **favour**. He was then charged by the ICAC.

Charges: Acceptance of illegal advantages

Penalty: Imprisonment of 7 months

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Case 5: Purchasing: Accepting bribes in procurement of building materials

Review: Corruption costs. The **conspiracy** between the manager and the supplier to inflate the price of building materials directly boosted the construction budget and undermined the interests of the employer. At the same time, the materials purchased under corruption usually fell short of the standard and would affect the quality of construction work as well as, in the long run, clients' confidence.

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Case 6: Works Inspection: Personal gain by lax inspection

Defendant: A clerk of works

Facts: The clerk of works found that the curtain wall fittings installed by a subcontractor did not meet the standards set by the developer. He therefore took the opportunity to solicit \$200,000 from the sub-contractor as a **reward for turning a blind eye** to the substandard work. The clerk of works was caught red-handed by the ICAC when he received \$30,000 as the first instalment of bribes from the sub-contractor.

Charges: Soliciting and acceptance of illegal advantages

Penalty: Imprisonment of 18 months

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Case 6: Works Inspection: Personal gain by lax inspection

Review: Turning a blind eye to unqualified work will potentially give rise to building defects, causing the company extra costs on maintenance when problems emerge. Worse still, such faults hidden in construction work are hazardous to public safety.

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Other Example Cases

年份	公務員	事件 部分個案	刑罰
2001	前高級警司冼錦華	免費嫖妓3次	公職人員行為不當罪成，入獄3年，失去500萬長俸
2001	前偵緝警署警長蘇海泉	在職時接受一名受警方調查者提供澳門單位免費住宿，作為優待對方的報酬，估計所獲租金利益約值2萬元	公職人員接受利益罪成，入獄15個月
2005	水務署前助理督察巢鑑恩	收受多名水務工程承判商共1.2萬利益及1張月餅券	違反防賄條例罪成，入獄3年，賠償政府1萬元
2008	前警長梁偉賢	推介大律師為涉嫌藏毒的友人兒子辯護，索取5000元「貸款」	公職人員行為不當罪成，入獄21個月，失130萬長俸
2010	康文署前一般事務助理莫浩豪	因妻子不適及適逢「糧尾」，未獲康文署批准收取網球教練500元貸款	違反防賄條例，判罰70小時社會服務令，失去工作

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常見貪污漏洞

http://www.icac.org.hk/tc/prevention_and_education/cpa/index.html

貪污削弱法治精神、侵害人權和公平、助長有組織罪行及窒礙外國投資。為維持香港社會的穩定和競爭力，防止貪污事在必行，防患未然對遏止貪污至為重要。

防止貪污的首要工作，是找出容易導致貪污的漏洞。根據廉署所處理的案件顯示，以下範疇容易出現貪污，如疏於處理，會造成嚴重後果。

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容易導致貪污的範疇

利益衝突

當僱員的個人利益與其執行的職務有矛盾時，便會出現利益衝突情況，令僱員在履行職務時，未能顧及僱主的最佳利益。

濫用有價值資料

有些容易被取閱的資料，雖然對一般人來說未必有用，但對罪犯來說卻有利用價值，故此僱員可能會濫用這些資料來謀取個人利益。

「糖衣陷阱」

貪污在開始時未必涉及賄賂，反而多以「糖衣陷阱」打動對方，例如提供免費餐膳或小禮物等，令他們感到必須作出回報而不知不覺地墮入貪污陷阱。

欠債

陷入財政困難的僱員比較難抵禦貪污的誘惑。

References

- Rules of Conduct of HKIE
- Ethics in Practice, A Practical Guide for Professional Engineers, ICAC HK, 2011
- The Prevention of Bribery Ordinance Chapter 201, Laws of Hong Kong
- Guidelines on the Professional Ethics and Conduct of Public Servants, the Commission Against Corruption of Macao SAR Dec 2006
- 澳門特別行政區廉政公署 <http://www.ccac.org.mo/>
- Hong Kong ICAC http://www.icac.org.hk/tc/prevention_and_education/cpa/index.html

The End